

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACK REESE, FRANCES ELAINE
PIDDE, JAMES CICHANOFSKY,
ROGER MILLER, and GEORGE
NOWLIN,

Plaintiffs,

v.

CNH GLOBAL N.V. and CNH
AMERICA LLC,

Defendants.

Case 2:04-cv-70592-PJD-PJK

Hon. Patrick J. Duggan, U.S.D.J.

Hon. Paul J. Komives, U.S. Mag. J.

**PLAINTIFFS' PROPOSED ORDER RE: PLAINTIFFS' MOTION
TO COMPEL THIRD PARTY SUBPOENA RESPONSE**

This matter having come on to be heard by the Court on Plaintiffs' Motion to Compel Third Party Subpoena Response and the Court having requested that the parties confer and propose an Order or competing Orders relative to the issues raised in Plaintiffs' Motion to Compel Third Party Subpoena Response (except for the issue of whether the ERIC information is properly subject to discovery), Plaintiffs propose the following order:

1. To the extent Macey has limited his response by not producing documents known to Macey to be responsive, but which are not in his possession;

Macey shall identify the documents and the person or entity which possesses the documents.

2. Macey shall appear for a phase I deposition relative to the documents were produced and his objections, only. Macey shall later appear for a phase II deposition relative to his expert opinions. In the alternative, Defendants shall identify by bates number the documents that are responsive to each of the requests and provide an objection log indicating which documents, if any, are being withheld subject to objection.
3. Regardless of 2, above, the deadline for discovery shall not apply to Macey's deposition and he may be deposed after the January 17, 2013 discovery deadline.
4. In further response to Request Nos. 1, 2, 3, 4 and 6 from the Macey subpoena, Defendants and/or Macey will produce the following:
 - a. Financial Executive Magazine; *Retiree Health – Crossroads of Benefits and Burden*
 - b. Business Insurance; *Legal and Regulatory Uncertainty in the Retirement Benefits Market*

- c. Testimonies: Treasury and IRS; *Phased Retirement, March 2005*
- d. Employees Retirement System of Texas; *Changes on the Horizon for State Employee and Retiree Health Benefits (eff. June 1, 2010)*
- e. AT&T Medical Plan for Occupational Employees, 1993
- f. Letter from Mertroe B. Hornbuckle, VP HR Deere & Co. to all U.S. employees with Company-subsidized Salaried Health Care Benefits in Retirement (9-27-2007)
- g. Memorandum from Communication Workers of America Local 3317 (8-15-09)
- h. Memorandum from Martha Flagge, CWA Rep., C&T, to Alcatel-Lucent
- i. Pfizer Inc. Pfizer Retiree Benefits and Health Information Fairs: Frequently Asked Questions and Answers
- j. Plan brochures for the BCBS Service Benefit Plan
- k. Reorganization Agreement Among Tenneco, Case Corporation and Case Equipment Corporation June 23, 1994, including Exhibit
- l. "Various regulatory testimony before the U.S. Treasury and DOL and IRS"
- m. The version of the Expert Report of John Stahl that upon which Macey relied
- n. Benefit summary information at www.uawtrust.org
- o. CMS Fast Facts (website)
- p. Medicare Information (website)
- q. Subsidy calculator kff.org

5. In further response to Request No. 8 from the Macey subpoena, Defendants will produce all of the billing records in this matter relating to work performed by Macey since retention.
6. In further response to Requests No. 9 through 15, Defendants and/or Macey will identify, by request number, the responsive documents.
7. The production required by this Order shall be made within ten days.

Dated: December 17, 2013

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